ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42043; TSH-FRL 2477-6]

1,2-Dichloropropane; Proposed Test Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under section 4 of The Toxic Substances Control Act (TSCA), EPA is proposing that manufacturers and processors conduct health and environmental effects tests for 1,2-dichloropropane. The proposed health effects tests include neurotoxicity, mutagenicity, teratogenicity, and reproductive effects tests. The proposed environmental effects tests include acute and chronic toxicity tests for aquatic invertebrates, and an aquatic plant test. The testing being proposed will be performed according to protocols submitted by the test sponsor and approved by the Agency in a subsequent rulemaking. This notice constitutes EPA's response to the Interagency Testing Committee's (ITC) designation of 1,2-dichloropropane for priority consideration for testing.

DATE: Submit written comments on or before March 6, 1984. If persons request time for oral comment by February 21, 1984, EPA will hold a public meeting on March 21, 1984 on this rule in Washington, D.C. For further information on arranging to speak at the meeting see Unit VI of this preamble.

ADDRESS: Submit written comments identified by the document control number (OPTS-42043) in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St. SW., Washington, D.C. 20460.

Include the document control number (OPTS-42043) on all submissions.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, toll free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(e) of TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq.*; 15 U.S.C. 2601 *et seq.*) established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for testing under section 4(a) of the Act. The ITC may designate substances on the list for priority consideration for requiring testing by EPA.

The ITC designated 1,2-dichloropropane (DCP) for priority consideration for environmental and health effects tests in its Third Report, published in the Federal Register on October 30, 1979 (43 FR 50630). The ITC recommended that 1,2-dichloropropene be tested for the following health effects: carcinogenicity, mutagenicity, teratogenicity, and other toxic effects (with emphasis on reproductive and neurological effects). The ITC also recommended that an epidemiological study be performed. Also, the following environmental effects tests were recommended by the ITC: chronic toxicity to fish and invertebrates, effects on avian and mammalian reproduction and behavior, and effects on soil invertebrates and terrestrial insects.

The ITC's testing recommendations were based upon a production volume in 1976 of 71 million pounds, widespread use as a solvent and a potentially high occupational exposure (over 1 million workers). According to the ITC, there is either insufficient information or the available information is unreliable to characterize the carcinogenic, mutagenic, and teratogenic potential of 1,2-dichloropropane. Also, because of a stated structural similarity to 1,2-dibromo-3-chloropropane (DBCP), the ITC recommended that reproductive and neurological effects testing be emphasized in considering testing for the other toxic effects of 1,2-dichloropropane. An epidemiologic study was recommended for 1,2-dichloropropane because of insufficient information about the chemical's human health effects and a potentially large exposure pattern. The ITC recommended environmental effects tests for 1,2-dichloropropane because the chemical's volatility and high specific gravity may result in localized impacts on those environments receiving continuous exposure associated with this chemical's use and disposal. Also, according to the ITC, the potential for DCP to bioaccumulate suggested the need for environmental effects testing to determine the biological significance of exposure.

Under section 4(a)(1) of TSCA, EPA must require testing of a chemical substance to develop appropriate test data if the Administrator finds that:

(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment,

(ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B)(i) a chemical substance or mixture is or will be produced in substantial quantities, and (I) it enters or may reasonably be anticipated to enter the environment in substantial quantities or (II) there is or may be significant or substantial human exposure to such substance or mixture,

(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or of any combination of such activities on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data.

EPA uses a weight of evidence approach in making section 4(a)(1)(A)(i) findings, in which both exposure and toxicity information are considered to make the finding that the chemical may present an unreasonable risk. For the finding under section 4(a)(1)(B)(i), EPA considers only production, exposure and release information to determine if there is substantial exposure or release. For the findings under sections 4(a)(1)(A)(ii) and 4(a)(1)(B)(ii), EPA examines toxicity and fate studies to determine if existing information is adequate to reasonably determine or predict the effects of human exposure to or environmental release of the chemical. In making the finding under section 4(a)(1)(A)(iii) or 4(a)(1)(B)(iii) that testing is necessary, EPA considers whether ongoing testing will satisfy the information needs for the chemical and whether testing which the Agency might require would be capable of developing the necessary information.

EPA's process for determining when these findings can be made is described in detail in EPA's first and second proposed test rules as published in the Federal Register of July 18, 1980 (45 FR 48528) and June 5, 1981 (46 FR 30300). The section 4(a)(1)(A) finding is discussed in 45 FR 48528, and the section 4(a)(1)(B) finding is discussed in 46 FR 30300.

In evaluating the ITC's testing recommendations concerning 1,2-dichloropropane, EPA considered all available relevant information including the following: Information presented in the ITC's report recommending testing consideration; production volume, use, exposure, and release information reported by manufacturers of 1,2-

dichloropropane under the TSCA section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712); health and safety studies submitted under the TSCA section 8(d) Health and Safety Data Reporting Rule (40 CFR Part 716) concerning 1,2-dichloropropane; and published and unpublished data available to the Agency. Based on its evaluation, as described in this proposed rule and the accompanying technical support document, EPA is proposing health and environmental effects testing requirements for 1,2-dichloropropane under section 4(a)(1)(B). By these actions, EPA is responding to the ITC's designation of 1,2-dichloropropane for testing consideration.

II. 1,2-Dichloropropane

A. Profile

1,2-Dichloropropane (CAS No. 78-87-5) is a colorless, stable liquid with a chloroform-like odor. The uses of 1,2-dichloropropane are as a solvent for the manufacture of ion exchange resins, as a feedstock for the manufacture of perchlorethylene, in metal degreasing agents, as a component of furniture finish removers and paint removers and as a lead scavenger for fuel anti-knock fluids. The Dow Chemical Company is the only manufacturer of 1,2-dichloropropane in the United States. According to the Dow Chemical Company, three million pounds of 1,2-dichloropropane were marketed in 1982 (Letter from Carlos Bowman to Steven D. Newburg-Rinn, June 3, 1983). 1,2-Dichloropropane is isolated during the manufacture of propylene oxide. Based on propylene oxide production capacity, the annual production capacity of 1,2-dichloropropane is estimated to be between 41–144 million pounds.

B. Findings

EPA is basing its proposed testing of 1,2-dichloropropane on the authority of section 4(a)(1)(B) of TSCA.

EPA finds that 1,2-dichloropropane is manufactured, processed, and used in substantial quantities, which activities may result in substantial human exposure. Also 1,2-dichloropropane enters or may reasonably be anticipated to enter the environment in substantial quantities. Furthermore, EPA finds that there are insufficient data available to either reasonably determine or predict the result of this exposure and release in the areas of mutagenic, teratogenic, reproductive, and neurotoxic effects, and acute and chronic toxicity for aquatic invertebrates and aquatic plants. Finally, EPA finds that testing is necessary to develop the data needed to evaluate the potential for 1,2-dichloropropane (DCP's) exposure and release to cause these effects. These findings are based on the following information:

1. Although Dow Chemical Company is the only manufacturer of 1,2-dichloropropane in the United States, the marketing production volume (3 million pounds in 1982), the 1,2-dichloropropane production volume (an estimated 41 million pounds in 1981) and the 1,2-dichloropropane production capacity (41–144 million pounds, based on propylene oxide production capacity) are substantial.

2. Currently available information indicates that a substantial number of people are potentially exposed to 1,2-dichloropropane. Recent consumer product information, for example, indicates that 1,2-dichloropropane is a component of 10 products currently available as paints, varnishes and furniture finish removers produced by 9 manufacturers. There are a large number of consumers that use paint, varnish or furniture finish removers. Also, a large number of workers in various occupations are potentially exposed to 1,2-dichloropropane. According to a recent National Occupational Hazard Survey, there are over 700,000 workers exposed to 1,2-dichloropropane resulting from its manufacture. This conclusion is based on the National Institute for Occupational Safety and Health's identification of 16 occupations in 17 industries, involving over 9,000 workers using 1,2-dichloropropane in non-agricultural applications. Furthermore, 1,2-dichloropropane has been identified as a contaminant of ground water and drinking water. The Suffolk County Department of Health Services, Long Island, New York, has identified 1,2-dichloropropane from non-pesticidal sources in ground water. Also, the Philadelphia Water Department has identified 1,2-dichloropropane in finished drinking water. (6.1/μg/L). The estimated total annual load of 1,2-dichloropropane to the aquatic environment would be approximately 4.9 million pounds. Thus, a large portion of the general population may be exposed to 1,2-dichloropropane, considering the following: the large number of consumers coming into contact with products that contain 1,2-dichloropropane; the large number of workers exposed to 1,2-dichloropropane in various occupations; and the number of people drinking water or coming into contact with water that is contaminated with 1,2-dichloropropane. EPA has concluded that this exposure pattern constitutes "substantial exposure" as that term is used in section 4 of TSCA.

3. There are insufficient data on the teratogenic, reproductive, mutagenic, and neurotoxic effects upon which to reasonably determine or predict the effects of exposure. Health effects testing, therefore, is necessary to develop these data.

4. Acute, subchronic, and chronic effects tests and an oncogenicity test are not being proposed at this time for 1,2-dichloropropane. The Dow Chemical Company has conducted tests to determine the acute and subchronic effects of 1,2-dichloropropane by the inhalation route of exposure in rats, mice, and rabbits. Also, an NTP 2-year bioassay has been performed to determine the oncogenic potential of 1,2-dichloropropane. The results of this study are still being evaluated. An epidemiologic study is not being proposed because the exposure pattern to 1,2-dichloropropane is so general it is doubtful that an exposed population could be identified that is not exposed to this chemical and other chemicals simultaneously.

5. There are substantial quantities of 1,2-dichloropropane released to the environment. The atmospheric compartment is readily contaminated with 1,2-dichloropropane because 1,2-dichloropropane is very volatile (50 mmHg at 25°C). Total atmospheric releases of 1,2-dichloropropane are estimated to be approximately 1.4×10^{7} pounds per year. Also, quantities of 1,2-dichloropropane are released to the aquatic environment (4.9 million pounds annually). 1,2-Dichloropropane is used as a solvent for the manufacture of ion exchange resins. One manufacturer of ion exchange resins annually discharges about 500,000 lbs. of 1,2-dichloropropane to the aquatic environment. There are four ion exchange manufacturers in the United States with potentially similar release patterns.

6. There are insufficient data to characterize the effects of 1,2 dichloropropane on aquatic invertebrates and aquatic plants. EPA is proposing studies on acute and chronic toxicity to aquatic invertebrates and effects on algae. There are sufficient data to characterize the effects of 1,2-dichloropropane on soil invertebrates, terrestrial insects and fish.

7. The Agency is not proposing an avian reproduction test for 1,2-dichloropropane because recent unpublished research at ERL-Corvallis has shown that a chemical as volatile as 1,2-dichloropropane is very unlikely to yield useful results if tested for avian

toxicity according to available methodology.

The analysis on which the above findings are based is presented in the 1,2-Dichloropropane Support Document which is available from the TSCA Assistance Office (TAO). The ITC's testing recommendations and EPA's proposed tests are summarized in the table below.

TABLE 1.—PROPOSED TESTS FOR 1,2-DICHLOROPROPANE

Test or study	ITC recommendations	EPA proposed testing
Health Effects		
Acute		No testing.
Subchronic		No testing.
Chronic		No testing.
Neurotoxicity	X	X.
Teratogenicity	X	X.
Mutagenicity	X	X.
Reproductive Effects	X	X.
Oncogenicity	X	No testing.
Epidemiology	X	No study requirement.
Environmental Effects		
Soil Invertebrates	X	No testing.
Terrestrial Insects	X	No testing.
Chronic Toxicity to Fish and Invertebrates.	X	Acute and Chronic Toxicity to Aquatic Invertebrates.
Aquatic Plants		Algal Bioassay.
Chronic Effects on Avian and mammalian reproduction and behavior.	X	No testing.

NOTE.—X = testing recommended or proposed.

C. Test Substance

EPA is proposing that a relatively pure grade of 1,2-dichloropropane be used as the test substance. A purity of 99 percent is specified in this rule so that any chemically induced effects can be more likely attributable to DCP and not chemical contaminants. 1,2-Dichloropropane is currently available with this purity.

D. Persons Required to Test

Section 4(b)(3)(B) specifies that the activities for which the Administrator makes section 4(a) findings (manufacture, processing, distribution, use, and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing ("manufacture" is defined in section 3(7) of TSCA to include "import"). Processors are required to test if the findings are based on processing. Both manufacturers and processors are required to test if the exposures or releases providing the basis for the finding occur during use, distribution, or disposal. Because EPA has found that the manufacturing, processing, and use of 1,2-dichloropropane give rise to substantial exposure and substantial release, EPA is proposing that persons who manufacture or process, or who intend to manufacture or process, 1,2-dichloropropene at any time from the effective date of this test rule to the end of the reimbursement period be subject to the rule. The end of the reimbursement period ordinarily will be 5 years after the final report is submitted. As discussed in Unit II F., EPA expects that manufacturers will conduct testing and that processors will ordinarily be exempted from testing.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are subject to the rule to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) provides that any person required to test may apply to EPA for an exemption from that requirement.

E. Approach to Adoption of Test Rules

1. *General Process.* On March 26, 1982, EPA announced a new approach to adoption of test rules (47 FR 13102). EPA intends to promulgate a general procedural rule in 40 CFR Part 770 which will contain the procedural requirements of this new approach. However, since that procedural rule is not in effect, this proposed rule contains specific procedures for adoption of this test rule. If the general rule is promulgated before this proposal becomes final, the 1,2-dichloropropane rule will be modified to comport with the general procedural provisions.

Under the new approach, test rule development will be a two-phase process. In phase I, EPA will propose that specific testing be required for 1,2-dichloropropane. This phase of the rulemaking will allow the public to comment on the decision to require testing and the specific types of tests to be required. Phase II begins after promulgation of the phase I rule. In phase II, EPA will receive proposed study plans for the specific tests adopted in the phase I rule. EPA will propose those study plans for public comment. After comment, the Agency will adopt the study plans, as proposed or modified, as specific test standards for the tests required by the phase I rule. Persons who submit the study plans will be obligated to perform the tests in accordance with the test standards adopted.

2. *Letter of Intent to Test or Exemption Application.* The proposed rule would require manufacturers and processors of 1,2-dichloropropane to perform certain tests. Once the rule is in effect, days after publication of the final rule in the Federal Register, each current manufacturer would have 30 days to submit, for each required test set, either a letter of intent to perform the test or an application for exemption. Each manufacturer who submitted a letter of intent to perform a specific test would be obligated, first, to submit, within 90 days of the effective date, a proposed study plan for the test set and, ultimately, to perform the testing.

If manufacturers of 1,2-dichloropropane performed all the required test sets, processors of 1,2-dichloropropane would not be required to test or to submit exemption applications. EPA would automatically grant them exemptions from the requirements of the rule.

If no manufacturer of 1,2-dichloropropane submitted a letter of intent to perform a particular test set within the 30-day period, EPA would publish a notice in the Federal Register to notify all processors of 1,2-dichloropropane. The notice would state that EPA had not received letters of intent to perform certain test sets and that current processors would have 30 days to submit, for each test set remaining, either a letter of intent to perform the test set or an exemption application for that test set. Each processor who submitted a letter of intent to perform a specific test set would be obligated, first, to submit, within 90 days of the publication of the Federal Register notice, a proposed study plan for the test set and, ultimately, to perform the testing.

If no manufacturer or processor submitted a letter of intent to perform a particular test set, EPA would notify all manufacturers and porcessors, by letter or through the Federal Register, that all exemption applications would be denied and that within 30 days all manufacturers and processors would be in violation of the rule until a proposed study plan is submitted for that test set.

Any person not manufacturing 1,2-dichloropropane at the time the rule goes into effect, who later begins manufacturing before the end of the reimbursement period (40 CFR Part 791), would be required to submit a letter of intent to test or an exemption application for each required test set by the day the person begins manufacture. If EPA has published a notice in the Federal Register telling processors to submit letters of intent or exemption applications for certain test sets, any person not processing 1,2-dichloropropane at the time the rule goes into effect, who later begins

oc- -ng before the end of the im- ement period, would be quired to submit a letter of intent to st or an exemption application for .ch test specific in the Federal Register)tice by the day the person begins ocessing.

3. *Submission and Adoption of Study ans.* Any manufacturer of 1,2-chloropropane who submitted a letter intent to perform a test set would ave to submit, within 90 days after the fective date of the rule, a proposed udy plan for that test set. In the event anufacturers do not submit letters of tent for all the required test sets, any rocessor who submits a letter of intent perform a specific test set would have submit, within 90 days of the ublication of the Federal Register otice which notified processors, a roposed study plan for that test set. aragraph (e) of the rule describes the ontents of a proposed study plan.

EPA proposed generic test ethodology requirements (generic test tandards) for various health effects in ne Federal Register of May 9, 1979 (44 R 27334), July 26, 1979 (44 FR 44054) nd November 21, 1980 (45 FR 77332). In esponse to concerns about rigid generic est - hodology requirements, EPA has its approach for providing test tandards for TSCA section 4 test rules nd, instead, issued generic test ethodology guidelines to replace the reviously proposed generic test ethodology requirements. The TSCA uidelines have been published by the ational Technical Information Service NTIS) for health effects (PB 82-232984), nvironmental effects (PB 82-232992) and chemical fate (PB 82-233008). Good aboratory Practice (GLP) standards for evelopment of data on physical and hemical properties, persistence, and cological effects of chemical substances were proposed in the Federal Register of November 21, 1980 (45 FR 77353). Good Laboratory Practice standards for development of data on health effects of chemical substances under TSCA were proposed in the Federal Register on May 9, 1979 (44 FR 27334) and July 26, 1979 (44 FR 44054). These GLP standards will be promulgated as generic requirements. The final TSCA GLP regulations will apply to the 1,2-dichloropropane test rule.

For guidance in preparing study plans, EPA recommends that test sponsors con- the TSCA Test Guidelines and the - -A GLP standards as referenced above; the Organization for Economic Cooperation and Development's (OECD) Guidelines, as adopted by the OECD Council on May 12, 1981; or the FIFRA Pesticide Registration Guidelines: Proposed Data Requirements published by the National Technical Information Services (see the Federal Register of November 24, 1982 (47 FR 53192), for a list of these guidelines).

Failure to submit a study plan would be a violation of the rule.

EPA would review the proposed study plans. If they are incomplete, the manufacturer or processor would be notified of the deficiency and would have 15 days to provide appropriate information to make the plan complete. If the information is not provided in 15 days, the manufacturer or processor would be in violation of the rule. In addition, EPA would return to the appropriate stage of the process and require manufacturers or processors, as appropriate, to submit letters of intent, exemption applications, and study plans.

If the proposed study plan is complete, EPA will propose the study plan for public comment. In particular, the request for comments would focus on whether the study plan will ensure that data from the test or test set will be reliable and adequate. There would be a 45-day comment period and the opportunity to present views orally upon request. After considering the public comment, EPA would adopt the study plan as proposed, or as modified in response to comment, as the test standard for the required test set.

The person who submitted the proposed study plan would be required to perform the testing according to that standard. Failure to perform the testing would be a violation of the rule.

F. Exemptions

EPA's proposed policy on application for exemptions from section 4 testing requirements was published in the Federal Register of July 18, 1980 (45 FR 48512). EPA intends to promulgate its final procedures for exemptions in 40 CFR Part 770. The exemption procedures described below and included in the proposed rule language are consistent with EPA's current thinking on exemption procedures. If the general rule is promulgated before this proposal becomes final, the 1,2-dichloropropane rule will be modified to comport with the general procedural provisions.

Any manufacturer or processors of 1,2-dichloropropane would be able to apply for an exemption. Any person who has applied for an exemption would not be in violation of the rule until such time as EPA denies the application.

If manufacturers perform all the required testing, processors would be granted exemptions automatically without having to file applications.

When EPA has received a proposed study plan for a test set and has adopted the plan as the test standard, EPA would conditionally grant all exemption applications for that test set. If the test sponsor later fails to perform the testing, EPA would notify all persons who had submitted exemption applications for that test set that the exemptions would be denied unless within 30 days a manufacturer or processor notified EPA of its intent to perform the testing in accordance with the adopted test standards.

EPA is not proposing to require the submission of equivalence data as a condition for exemption from the proposed testing for 1,2-dichloropropane. As noted in Unit II.C. above, EPA is interested in evaluating the effects attributable to 1,2-dichloropropane itself and has specified a relatively pure substance for testing.

G. Reporting Requirements

EPA is proposing that all data be reported in accordance with TSCA Good Laboratory Practice (GLP) standards. Such standards were proposed in the Federal Register of May 9, 1979 (44 FR 28369) and November 21, 1980 (45 FR 77332) and will be included in 40 CFR Part 792. EPA has reviewed public comments on the proposed GLP standards and is now developing final GLP standards. The final GLP standards will apply to this rule.

EPA is required by TSCA section 4(b)(1)(C) to specify the time period during which persons subject to a test rule must submit test data. These deadlines will be established in the phase II rulemaking in which study plans are approved.

TSCA section 14(b) governs Agency disclosure of all test data submitted pursuant to section 4 of TSCA. Upon receipt of data required by this rule, the Agency will publish a notice of receipt in the Federal Register as required by section 4(d).

H. Enforcement Provisions

Section 15(1) of TSCA makes it unlawful for any person to fail or refuse to comply with any rule issued under section 4. Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to: (1) Establish or maintain records, (2) submit reports, notices, or other information, or (3) permit access to or copying of records required by the Act or any rule issued under TSCA. The Agency considers that failure to comply with any aspect of a section 4 rule may

be judged to be a violation of sections 15(1) and 15(3) of TSCA.

Additionally, TSCA section 15(4) makes it ulawful for any person to fail or refuse to permit entry or inspection as required by section 11. Section 11 applies to any "establishment, facility or other premises in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce . . ." The Agency considers a testing facility to be a place where the chemical is held or stored and, therefore, subject to inspection. Laboratory audits/inspections will be periodically conducted in accordance with the procedures outlined in TSCA section 11 by authorized representatives of the EPA for the purpose of determining compliance with any final rule for 1,2-dichloropropane. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the underlying raw data and interpretations and evaluations thereof, and that the studies are being conducted according to TSCA GLP standards and the protocols established in the phase II rule.

EPA's authority to inspect a testing facility also derives from section 4(b)(1) of TSCA, which directs EPA to promulgate standards for the development of test data. These standards are defined in section 3(12)(B) of TSCA to include those requirements necessary to assure that data developed under testing rules are reliable and adequate, and such other requirements as are necessary to provide such assurance. The Agency maintains that laboratory inspections are necessary to provide this assurance.

Violators of TSCA are subject to criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of this rule may be subject to penalties calculated as if they never submitted their data. Under the penalty provision of section 16 of TSCA, any person who violates section 15 could be subject to a civil penalty of up to $25,000 per day for each violation, with each day of operation in violation constituting a separate violation. This provision would also be applicable primarily to manufacturers or processors who fail to submit a letter of intent to perform testing or an exemption request and who continue manufacturing or processing after the deadlines for such submissions. Knowing or willful violations could lead to the imposition of criminal penalties of up to $25,000 for each day of violation and imprisonment for up to 1 year. In determining the amount of penalty, EPA will take into account the seriousness of the violation and the degree of culpability of the violator as well as all the other factors listed in section 16. Other remedies are available to EPA under sections 7 and 17 of TSCA, such as seeking an injunction to restrain violations of TSCA section 4 and the seizure of chemical substances manufactured or processed in violation of the rule.

Individuals, as well as corporations, could be subject to enforcement actions. Sections 15 and 16 of TSCA apply to "any person" who violates various provisions of TSCA. EPA may, at its discretion, proceed against individuals as well as companies themselves. In particular, this includes individuals who report false information or who cause it to be reported. In addition, the submission of false, ficitious, or fraudulent statements is a violation under 18 U.S.C. 1001.

I. Issues

A site-specific and non site-specific environmental modeling analysis is in the process of being performed by the Agency. The Agency believes, at this time, that environmental effects testing is necessary. However, the Agency is continuing its environmental exposure analysis and is soliciting public comment concerning the need for its proposed testing and the appropriateness of the tests selected.

III. Economic Analysis of Proposed Rule

To assess the potential economic impact of this proposed rule, EPA has prepared a Level I economic evaluation that estimates the costs of the required testing and assesses the potential for economic impact by evaluating four market characteristics of the chemical: (1) Demand sensitivity, (2) cost characteristics, (3) industry structure, and (4) market expectations.

Based on a total testing cost of $144,800 to $435,600 and an annualized testing cost for 1,2-dichloropropane of $37,500 to $112,900, the Level I analysis of 1,2-dichloropropane indicates that the potential for adverse economic effects due to estimated testing costs is low. This conclusion is based on the following observations: (1) 1,2-dichloropropane, a by-product of propylene oxide production, is used mainly as a captive intermediate and has a relatively inelastic demand; (2) the market expectations for propylene oxide and many of its derivatives are favorable (i.e., greater than GNP), assuming economic recovery; (3) Dow manufactures 1,2-dichloropropane and propylene oxide at two highly integrated plants where minor cost increases can be dispersed over numerous end products; and (4) the estimated total unit test costs (i.e, the test costs for 1,2-dichloropropane and propylene oxide) are negligible, or 0.014 cents per pound or 0.03 percent of the propylene oxide price (46.5 cents per pound) in the upper bound case.

Because the Level I analysis indicates no potential for an adverse economic impact, EPA has determined that a more comprehensive and detailed Level II economic evaluation is not needed for 1,2-dichloropropane.

IV. Availability of Test Facilities and Personnel

Section 4(b)(1) requires EPA to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required under the rule." Therefore, EPA conducted a study to assess the availability of test facilities and personnel to handle the additional demand for testing services created by section 4 test rules and test programs negotiated with industry in place of rulemaking. Copies of the study "Chemical Testing Industry: Profile of Toxicology Testing, October, 1981," can be obtained from NTIS (PB 82-140773).

The tentative conclusions reached in the laboratory availabiity study were: (1) The chemical testing industry's anticipation of increased testing requirements has prompted the rapid expansion of testing facilities in recent years. (2) Currently, excess capacity exists in all major testing areas, and surveyed laboratories indicated they could perform about 20 percent more testing. (3) Measurable industry concentration exists, but it is not enough to restrict market entry or control key resources. (4) Currently, capital and professional personnel are the most costraining resources on industry expansion. Capital is understandably a cyclical constraint. However, the constraint imposed by a shortage of professional personnel can be long term because of the lengthy period required for professional preparation. (5) Current personnel numbers appear adequate relative to present testing levels.

On the basis of this study, the Agency believes that there will be available resources to perform the testing in this proposed rule.

V. Environmental Impact Statement

EPA is not required to prepare environmental impact statements (EIS), under the National Environmental Policy

Act (NEPA), 41 U.S.C. 4321, for test rules. EPA has determined that voluntary preparation for an EIS is not appropriate for regulations issued under section 4 of TSCA. See the preamble to the Agency's rules for compliance with NEPA published in the Federal Register of November 8, 1979 (44 FR 64174).

VI. Public Meetings

If persons wish to present comments on this proposed rule to the EPA officials who are directly responsible for developing the rule and supporting analyses, EPA will hold a public meeting in Washington, D.C., 75 days after the proposed rule publication in the Federal Register. This meeting is scheduled after the deadline for submission of written comments, so that issues raised in the written comments can be discussed by EPA and the public commenters. Information on the exact time and place of the meeting is available from the TSCA Assistance Office.

Persons who wish to attend or present comments at the meeting should call the TSCA Assistance Office by 45 days after publication of this notice in the Federal Register. While the meeting will be open to the public, active participation will be limited to those persons who arranged to present comments and designated EPA participants. Attendees should call the TSCA Assistance Office before making travel plans because the meeting will not be held if members of the public do not request an opportunity to make oral comments.

The Agency will transcribe the meeting and include the written transcript in the public record. Participants are invited, but not required, to submit copies of their statements prior to or on the day of the meeting. All such written materials will become part of the EPA's record for this rulemaking.

VII. Rulemaking Record

EPA has established a public record for this proposed rulemaking, docket number (OPTS-42043), which is available for inspection in the OPTS Reading Room, Rm. E-107, 401 M St., SW., Washington, D.C., from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. This record includes basic information the Agency considered in developing this proposal, and appropriate Federal Register notices. The Agency will supplement the record with additional information as it is received. This record includes the following information:

(1) Federal Register notices pertaining to this rule consisting of:

(a) Notice of proposed rule making on 1,2-dichloropropane.

(b) Notice containing the ITC designation of 1,2-dichloropropane to the Priority List (43 FR 50630, October 30, 1978).

(c) Notices relating to EPA's health and environmental effects test guidelines and Good Laboratory Practice standards.

(d) Notice of proposed rule making on exemption policy and procedures.

(e) Notice of final rule on reimbursement policy and procedures.

(2) Support Documents: consisting of:

(a) 1,2-Dichloropropane support document.

(b) Economic analysis support document.

(3) Communications before proposal consisting of:

(a) Written public and intra- or interagency memoranda and comments.

(b) Summaries of telephone conversations.

(c) Meeting summaries.

(4) Reports—published and unpublished factual materials, including contractors' reports.

Confidential business information (CBI), while part of the record, is not available for public review.

VIII. Classification of Rule

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed test rule is not major because it does not meet any of the criteria set forth in section 1(b) of the Order. First, the actual annual cost of the testing prescribed for 1,2-dichloropropane is less than $984,600 over the testing and reimbursement period. Second, because the cost of the required testing will be distributed over a large production volume, the rule will have only very minor effects (less than 0.7 percent a year) on producers' cost or users' prices for this chemical. Finally, taking into account the nature of the market for this substance, the low level of costs involved, and the expected nature of the mechanisms for sharing the costs of the required testing, EPA concludes that there will be no significant adverse economic effects of any type as a result of this rule.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA, and any EPA response to those comments, will be included in the public record.

IX. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (15 U.S.C. 601, *et seq.*, Pub. L. 96-354, September 19, 1980), EPA is certifying that this test rule, if promulgated, will not have a significant impact on a substantial number of small businesses for the following reasons:

1. Small processors will not perform testing themselves, or will not participate in the organization of the testing effort.

2. Small processors will experience only minor costs in securing exemption from testing requirements.

3. Small processors are unlikely to be affected by reimbursement requirements.

4. There is one manufacturer of 1,2-dichloropropane in the United States that is a large international chemical corporation.

X. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, the information provisions in test rules are subject to OMB review and are not effective until OMB approves them. OMB is currently reviewing information requirements under section 4 test rules. A notice concerning the results of that review will be published in the Federal Register.

XI. Guidelines and Study Plans

The following guidelines and/or study plans cited in this proposed test rulemaking are available from the: National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703-487-4650).

NTIS publication No.	Title	Price
PB 82-140773	Chemical Testing Industry: Profile of Toxicological Testing.	$16.00
PB 82-232984	TSCA Guidelines—Health Effects	40.00
PB 82-232992	TSCA Guidelines—Environmental Effects.	60.00
PB 83-153908	OECD Guidelines for Aquatic Invertebrae Acute Toxicity Testing, and the FIFRA Guidelines for Hazard Evaluation; Wildlife and Aquatic Organisms.	11.50
PB 83-153916	Pesticide Assessment Guidelines	11.50

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous materials, Chemicals.

(Sec. 4, Pub. L. 94-469, 90 Stat. 2003; (15 U.S.C. 2601))

Dated: December 23, 1983.

Alvin L. Alm,

Acting Administrator.

PART 799—[AMENDED]

Therefore, it is proposed that a new § 799.1550 be added to Subpart B of proposed Part 799 to read as follows:

§ 799.1550, 1,2-Dichloropropane.

(a) *Identification of test substance.* (1) 1,2-Dichloropropane (CAS No. 78-87-5), shall be tested in accordance with this section.

(2) 1,2-Dichloropropane of at least 99 percent purity shall be used as the test substance.

(b) *Persons required to submit study plans, conduct tests and submit data.* (1) All persons who manufacture or process 1,2-dichloropropane from the effective date of this rule (30 days from the publication date of the rule in the Federal Register to the end of the reimbursement period shall submit letters of intent to test, exemption applications and study plans and shall conduct tests and submit data as specified in paragraphs (c), (d), (e), (h), (i), and (j) of this section.

(2) Any person subject to the requirements of this section may apply to EPA for an exemption from study plan submission and testing requirements. Any such application shall be in accordance with paragraph (h) of this section.

(c) *Submission of notice of intent to test or exemption application.* (1) No later than 30 days after the effective date of this rule, each person manufacturing 1,2-dichloropropane as of the effective date of this rule must, for each test set required by paragraphs (i) and (j) of this section, either notify EPA by letter of its intent to perform the test set or submit an application for an exemption from the study plan submission and testing requirements for the test set.

(2) If, by the date specified in paragraph (c)(1) of this section, no manufacturer of 1,2-dichloropropane has notified EPA of its intent to perform testing for a test required by paragraph (i) and (j) of this section, EPA will publish a notice in the Federal Register of this fact specifying the test sets for which no notice of intent has been submitted. No later than 30 days after publication of such a notice, each person processing 1,2-dichloropropane as of the effective date of this rule must, for each test set specified in the Federal Register notice, either notify EPA by letter of its intent to perform the test set or submit an application for an exemption from the study plan submission and testing requirements for the test set.

(3) Any person not manufacturing 1,2-dichloropropane as of the effective date of this rule who, before the end of the reimbursement period, manufactures 1,2-dichloropropane must comply with the requirements of paragraphs (c)(1) and (d)(1) of this section. For purposes of paragraph (c) of this section, the manufacturer must submit the notice of intent to test or exemption application required by paragraph (c)(1) of this section by the date manufacture begins and must submit any proposed study plan required by paragraph (d)(1) of this section within 60 days of the date manufacture begins.

(4) If a Federal Register notice has been published under paragraphs (c)(2) or (d)(4) of this section, any person not processing 1,2-dichloropropane as of the effective date of this rule who, before the end of the reimbursement period, processes 1,2-dichloropropane, must comply with the requirements of paragraphs (c)(2) and (d)(2) of this section. For purposes of paragraph (c) of this section, the processor must submit the notice of intent to test or exemption application required by paragraph (c)(2) of this section by the date processing begins and must submit any proposed study plan required by paragraph (d)(2) of this section within 60 days of the date processing begins.

(5) Any manufacturer or processor of 1,2-dichloropropane which has notified EPA under paragraphs (c)(1), (c)(2), (c)(3), or (c)(4) of this section of its intent to perform testing for a test set required by paragraphs (i) and (j) of this section must submit a proposed study plan for the test set and must perform that test set in accordance with the test standards in paragraph (k) of this section.

(d) *Submission of proposed study plans.* (1) Manufacturers of 1,2-dichloropropane which notify EPA under paragraph (c)(1) of this section that they intend to perform a test set must submit a proposed study plan for the test set in accordance with paragraph (e) of this rule no later than 90 days after the effective date of this rule. Manufacturers may jointly submit a single proposed study plan if they plan to sponsor or perform the test set jointly. Any manufacturer which, having notified EPA of its intent to perform a test set, fails to submit a proposed study plan for that test set will have been in violation of this section as if no letter of intent to perform the test had been submitted.

(2) Processors of 1,2-dichloropropane which notify EPA under paragraph (c)(2) of this section that they intend to perform a test set must submit a proposed study plan for the test set in accordance with paragraph (e) of this section no later than 90 days after the publication of the notice specified in paragraph (c)(2) of this section. Processors may jointly submit a single proposed study plan if they plan to sponsor or perform the test set jointly. Any processor which, having notified EPA of its intent to perform a test set, fails to submit a proposed study plan for that test set will have been in violation of this section as if no letter of intent to perform the test set had been submitted.

(3) If EPA determines in accordance with paragraph (f)(1)(i) of this section that a proposed study plan is incomplete and the manufacturer or processor has not, after notice from EPA, submitted appropriate information to make the study plan complete within 15 days, the manufacturer or processor will have been in violation of this section as if no letter of intent to perform the test had been submitted.

(4) If either (i) by the date specified in paragraph (d)(1) of this section a manufacturer of 1,2-dichloropropane, which notified EPA of its intent to perform a test set, has failed to submit a proposed study plan for that test set, or

(ii) A proposed study plan submitted under paragraph (d)(1) of this section has been found to be incomplete under paragraph (f)(1)(i) of this section and the manufacturer has not submitted appropriate information to make the study plan complete within 15 days, EPA will publish a notice in the Federal Register of this fact specifying the test set. The requirements of paragraphs (c)(2) and (d)(2) of this section for processors to submit letters of intent to perform testing, applications for exemption and proposed study plans will apply.

(5) If either (i) by the date specified in paragraph (c)(2) of this section no processor of 1,2-dichloropropane has notified EPA of its intent to perform testing for any test set identified in a Federal Register notice published under paragraphs (c)(2) or (d)(4) of this section,

(ii) By the date specified in paragraph (d)(2) of this section any processor of 1,2-dichloropropane, which notified EPA of its intent to perform a test set, has failed to submit a proposed study plan for that test set, or

(iii) A proposed study plan submitted under paragraph (d)(2) of this section has been found to be incomplete under paragraph (f)(1)(i) of this section and the processor has not submitted appropriate information to make the study plan complete within 15 days, all applications for exemption from the requirements to

submit study plans and to perform tests for the specific test set involved will automatically be denied. EPA will notify every manufacturer and processor of 1,2-dichloropropane that applied for an exemption for the specific test involved of this automatic denial either by letter or by notice in the Federal Register. Each manufacturer or processor of 1,2-dichloropropane for whom an exemption application has been automatically denied will be in violation of this section 30 days from the time that it receives the notice letter or 30 days from the time that the notice is published in the Federal Register, whichever comes first. The violation will continue until a manufacturer or processor of 1,2-dichloropropane submits a proposed study plan for each test set involved.

(6) Any manufacturer or processor of 1,2-dichloropropane may submit a proposed study plan for any test set required by this section at any time, regardless of whether the manufacturer or processor previously submitted an application for exemption from testing for that test set.

(e) *Content of study plans.* (1) All study plans are required to contain the following information:

(i) Identity of the test rule.

(ii) The specific test set covered by the study plan.

(iii) (A) The names and addresses of the test sponsors.

(B) The names, addresses, and telephone numbers of the responsible administrative officials and project manager(s) in the principal sponsor's organization.

(C) The name, address, and telephone number of the appropriate individual(s) for oral and written communications with EPA.

(D) (*1*) The name and address of the testing facility(ies), including the names(s), address(es) and telephone number(s) of the testing facility(ies), administrative officials and project manager(s) responsible for this testing.

(*2*) Brief summaries of the training and experience of each professional involved in the study, including study director, veterinarian(s), toxicologist(s), pathologist(s) and laboratory assistants.

(iv) Identity and data on the substances being tested, including appropriate physical constants, spectral data, chemical analysis and stability under test and storage conditions.

(v) Study protocol, including rationale for: Species/strain selection; dose selection (and supporting data); route(s) or method(s) of exposure; a description of diet to be used and its source, including nutrients and contaminants and their concentrations; for *in vitro* test systems, a description of culture medium and its source; and a summary of expected spontaneous chronic disease (including tumors), genealogy, and life span.

(vi) Schedule for initiation and completion of major phases of long term tests; schedule for submission of interim progress and final reports to EPA.

(2) Information specified under paragraph (e)(1)(iii)(D) of this section is not required in proposed study plans if the information is not available at the time of submission; however, the information must be submitted before the initiation of testing.

(f) *Review and adoption of study plans.* (1) Upon receipt of a proposed study plan, EPA will review the study plan to determine whether it complies with paragraph (e) of this section.

(i) If EPA determines that the proposed study plan does not comply with paragraph (e) of this section, EPA will notify the submitter that the submission is incomplete and identify the deficiencies and the steps necessary to complete the submission. The submitter will have 15 days from the day it receives this notice to submit appropriate information to make the study plan complete. If the submitter fails to provide appropriate information to complete the study plan within this time, the submitter will have been in violation of this section as if no study plan had been submitted.

(ii) If EPA determines the proposed study plan complies with paragraph (e) of this section, EPA will publish a notice in the Federal Register requesting comments on the ability of the study plan to ensure that data from the test set will be reliable and adequate. EPA will provide a 45-day comment period and will provide an opportunity for an oral presentation upon request of any person. EPA may extend the comment period if it appears from the nature of the issues raised by EPA's review or from public comments that further comment is warranted.

(2) After receiving and considering public comment, EPA will adopt the study plan, including time deadlines and reporting schedules, as proposed or as modified in response to EPA review and public comments, as test standards for the testing of 1,2-dichloropropane in paragraph (j) of this section.

(g) *Modification of study plans during conduct of study*—(1) *Application.* Any test set sponsor who wishes to modify the adopted study plan for any test set or study required under this section must submit an application in accordance with this paragraph. Application for modification shall be made in writing to the Chief, Test Rules Development Branch, Office of Toxic Substances, or by phone, with written confirmation to follow within 10 working days. Applications must include an appropriate explanation of why the modification is necessary.

(2) *Adoption.* To the extent feasible, EPA will seek comment on all substantive changes in study plans. EPA will issue a notice in the Federal Register requesting comments on requested modifications. However, EPA will act on the requested modification without seeking public comment:

(*i*) if EPA believes that an immediate modification to a study plan is necessary in order to preserve the accuracy or validity of an ongoing study; or

(ii) if EPA determines that a modification clearly does not pose any significant substantive issues. EPA will notify the sponsor of the Agency's approval or disapproval. When the Agency approves a modification, it will publish a notice in the Federal Register indicating that the study plan has been modified.

(h) *Exemption applications.* (1) Any manufacturer or processor of 1,2-dichloropropane may submit an application to EPA for an exemption from submitting proposed study plans for and from performing any or all of the tests sets specified in paragraphs (i) and (j) of this section. The application must include the name and address of the manufacturer or processor and must identify the specific requirements of this section from which the exemption is sought.

(2) No manufacturer or processor of 1,2-dichloropropane will be in violation of the requirement to perform a specific test set under paragraphs (i) and (j) of this section if it has submitted a timely application for an exemption for that test set and the application has not been denied by EPA.

(3) EPA will conditionally grant any requested exemption for a specific test set required by paragraphs (i) and (j) of this section if EPA has received a complete proposed study plan for that test set in accordance with paragraph (e) of this section and has adopted the study plan in accordance with paragraph (f)(2) of this section.

(4) EPA will deny any exemption for a specific test set in paragraphs (i) and (j) of this section if the study sponsor fails to perform the test set or to submit data as required in the test standards adopted under paragraph (k) of this section.

(5) If manufacturers of 1,2-dichloropropane perform all the tests required by paragraphs (i) and (j) of this section, processors of 1,2-

dichloropropane will automatically be granted an exemption from the study plan submission and testing requirements without the need to file an application for exemption.

(i) *Health effects testing*—(1) *Neurotoxicity*—(i) *Required testing.* The following neurotoxicity test battery shall be performed with 1,2-dicholoropropane by inhalation.

(A) A neuropathology test shall be conducted with 1,2-dichloropropane.

(B) A motor activity test shall be conducted with 1,2-dichloropropane.

(C) A functional observation battery shall be conducted with 1,2-dichloropropane.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Health Effects Test Guidelines for Neurotoxicity, published by NTIS (PB 82–232984), be consulted. Additional guidance may be obtained from the FIFRA Pesticide Registration Guidelines; Proposed Data Requirements for Hazard Evaluation: Human and Domestic Animals, published by NTIS (PB 83–153916).

(2) *Mutagenic effects—Chromosomal aberrations*—(i) *Required testing.* (A) A dominant lethal assay shall be conducted for 1,2-dichloropropane.

(B) A heritable translocation assay shall be conducted if 1,2-dichloropropane produces a positive result in the dominant lethal assay.

(C) Further testing for chromosomal aberrations is not required if 1,2-dichloropropane produces a negative result in the dominant lethal assay.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Health Effects Test Guidelines for Chromosomal Effects, published by NTIS (PB 82–232984), be consulted. Additional guidance may be obtained from the OECD Test Guidelines for Genetic Toxicology and the FIFRA Pesticide Registration Guidelines; Proposed Data Requirements for Hazard Evaluation: Human and Domestic Animals, published by NTIS (PB 83–153916).

(3) *Mutagenic effects—Gene mutation*—(i) *Required testing.*

(A) 1,2-Dichloropropane shall be tested in a *Drosophila* sex-linked recessive lethal (SLRL) test because of positive results in *Salmonella* microsomal assays.

(B) A mouse specific locus assay shall be conducted if 1,2-dichloropropane produces a positive result in the *Drosophila* SLRL.

(C) Further testing for gene mutations is not required if 1,2-dichloropropane produces a negative result in the *Drosophila* SLRL.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Health Effects Test Guidelines for Gene Mutations and DNA Effects, published by NTIS (PB 82–232984), be consulted. Additional guidance may be obtained from the OECD Test Guidelines for Genetic Toxicology and the FIFRA Pesticide Registration Guidelines; Proposed Data Requirements for Hazard Evaluation: Human and Domestic Animals, published by NTIS (PB 83–153916).

(4) *Teratogenicity*—(i) *Required testing.* Teratogenicity studies shall be conducted with 1,2-dichloropropane. Inhalation shall be the route of administration of the test substance in these studies.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Health Effects Test Guidelines for Specific Organ/Tissue Toxicity-Teratogenicity, published by NTIS (PB 82–232984), be consulted. Additional guidance may be obtained from the OECD Test Guidelines for Health Effects and the FIFRA Pesticide Registration Guidelines; Proposed Data Requirements for Hazard Evaluation: Human and Domestic Animals, published by NTIS (PB 83–153916).

(5) *Reproductive effects*—(i) *Required testing.* Two-generation reproductive effects studies shall be conducted with 1,2-dichloropropane. Inhalation shall be the route of administration of the test substance in these studies.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Health Effects Test Guidelines for Specific Organ/Tissue Toxicity—Reproduction/Fertility Effects, published by NTIS (PB 82–232984), be consulted. Additional guidance may be obtained from the FIFRA Pesticide Registration Guidelines; Proposed Data Requirements for Hazard Evaluation: Human and Domestic Animals, published by NTIS (PB 83–153916).

(j) *Environmental effects testing*—(1) *Mysid shrimp acute toxicity test*—(i) *Required testing.* Testing using flow-through systems and measured concentrations shall be conducted with mysid shrimp to develop data on the acute toxicity of 1,2 dichloropropane to aquatic invertebrates.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Environmental Effects Test Guidelines for the mysid shrimp acute toxicity tests (EG–4) published by NTIS (PB 82–232992) be consulted. Additional guidance may be obtained by consulting the OECD Guidelines for Aquatic Invertebrate Acute Toxicity Testing, and the FIFRA Guidelines for Hazard Evaluation: Wildlife and Aquatic Organisms (PB 82–153908).

(2) *Algal Toxicity Testing*—(i) *Required testing.* Testing using systems that control for 1,2-dichloropropane evaporation shall be conducted with marine and freshwater algae.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Environmental Effects Test Guidelines for Algal Toxicity Tests (EG–8), published by NTIS (PB 82–232992), be consulted. Additional guidance may be obtained by consulting the OECO Guidelines for Aquatic Invertebrate Acute Toxicity Testing and the FIFRA Guidelines for Hazard Evaluation: Wildlife and Aquatic Organisms (PB 83–153908).

(3) *Daphnid and Mysid Chronic Toxicity Test*—(i) *Required testing.* Testing shall be conducted with *D. magna* and the mysid shrimp to develop data on the chronic toxicity of 1,2-dichloropropane to aquatic invertebrates.

(ii) *Study plans.* For guidance in preparing study plans, it is recommended that the TSCA Environmental Effects Test Guidelines for the *D. magna* Chronic Toxicity Test (EG–2) and the Mysid Shrimp Chronic Toxicity Test (EG–4) published by NTIS (PB 82–232992) be consulted. Additional guidance may be obtained by consulting the OECD Guidelines for Aquatic Invertebrates Toxicity Testing, and the FIFRA Guidelines for Hazard Evaluation: Wildlife and Aquatic Organisms (PB 83–153908).

(k) *Test standards.* (1) All data must be developed and reported in accordance with the EPA Good Laboratory Practice Regulations in 40 CFR 792

(2) [Reserved].

(l) *Enforcement* (1) If a manufacturer or processor, which notified EPA under paragraph (c) (1) or (2) of this section of its intent to perform testing for a test set required by paragraphs (i) and (j) of this section, fails to perform the test set in accordance with the test standards in paragraph (k) of this section, that failure will be a violation of this section.

(2) EPA will publish a notice in the Federal Register to inform all manufacturers and processors that all exemptions for performamce of that test set will be denied unless, within 30 days of the publication of the notice, a manufacturer or processor of 1,2-

dichloropropane notifies EPA by letter that it intends to perform that test set in accordance with the test standards in paragraph (k) of this section.

(3) Any person who fails or refuses to comply with any aspect of this rule is in violation of section 15 of TSCA.

(m) *Availability of study plans.* The various study plans given in this proposed rule are available from the: National Technical Information Service, 5285 Port Royal Road, Springfield, Va 22161. (703–487–4650).

[FR Doc. 84–326 Filed 1–5–84; 8:45 am]
BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 7

[CGD 81–058]

Boundary Lines

AGENCY: Coast Guard, DOT.

ACTION: Reopening of comment period.

SUMMARY: In the Federal Register of September 15, 1983 (48 FR 41454), the Coast Guard proposed regulations which would establish boundary lines for the Seagoing Barge Act and more clearly define existing Boundary Lines. The public comment period closed on December 15, 1983. This notice reopens the comment period until March 1, 1984. The comment period is being reopened to allow the public further input. It is also anticipated that the Towing Advisory Safety Committee (TSAC) will comment on the proposed regulations at their Meeting on February 16, 1984.

DATE: Comment on the proposed regulations must be received on or before March 1, 1984.

ADDRESSES: Comments should be mailed to Commandant (G–CMC/44) (CGD 81–058) U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593. Comments received by the Coast Guard will be available for examination and copying between 8 am and 4 pm, Monday through Friday, except holidays, at the Marine Safety Council (G–CMC/44) room 4402, Coast Guard Headquarters, 2100 2nd Street SW, Washington, D.C. 20593. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Patrick A. Turlo (202) 426–1464.

SUPPLEMENTARY INFORMATION: The proposed regulations were published in a supplemental notice of proposed rulemaking (SNPRM) in the Federal Register on September 15, 1983 (48 FR 41454). As stated in the SNPRM, the proposed regulations would establish boundary lines for the Seagoing Barge Act and other statutes. The Towing Safety Advisory Committee (TSAC) is anticipated to comment on the proposed regulations at their meeting on February 16, 1984. The Coast Guard is reopening the comment period until March 1, 1984 to allow the public to provide further input to this rulemaking.

(Sec. 2, Stat. 672 as amended (33 U.S.C. 151); Sec. 6(b)(1) 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: December 30, 1983.

T. F. Tutwiler,

Captain, U.S. Coast Guard, Acting Deputy Chief, Office of Merchant Marine Safety.

[FR Doc. 84–327 Filed 1–5–84; 8:45 am]
BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

[MM Docket No. 83–1350; FCC 83–593]

Low Power Television and Television Translator Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission is seeking comments on proposed rule changes for low power television and television translator service which would modify the present cut-off procedures and eliminate the requirement to file financial information with applications. Comments are also sought on creating a priority class of service for television translator applications. This action is based on the Commission's ongoing review and reevaluation of its rules and policies, and will contribute to providing service to the public in the most efficient, expeditious manner possible.

DATE: Comments must be received on or before January 30, 1984. Reply comments must be received on or before February 14, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Larry Miller, Mass Media Bureau, (202) 632–3894.

List of Subjects

47 CFR Part 73

Television.

47 CFR Part 74

Low power television and television translators.

Proposed Rule Making

In the Matter of Low Power Television and Television Translator Service; MM Docket No. 83–1350.

Adopted: December 14, 1983.
Released: December 23, 1983.

By the Commission.

Introduction and Background

1. The Commission submits for comment several proposals for changes in the processing procedures for low power television and television translator applications. These proposals include: (1) Modification of the cut-off rules to provide for a "window" or date certain for filing applications; (2) elimination of the requirement of filing financial information or certification with applications; and (3) the designation of television translators or certain types of translators as a priority or separate class of service for processing purposes with low power television secondary to it. Since they affect basic processing procedures, the rule changes proposed would apply prospectively to new applications filed. All pending applications and applications which are mutually-exclusive with them would be processed pursuant to the present rules. However, in the case of the financial requirements, since compliance is only monitored post-lottery, it would appear to be in the public interest to make the changes apply retroactively to all pending as well as new applicants.

2. The low power television service began with a *Notice of Inquiry* in 1978, 68 FCC 2d 1525 (1978). In September, 1980, the Commission established procedures for processing translator and low power television applications pending the outcome of the inquiry and rule making. *Notice of Interim Processing*, 45 FR 62004, published September 17, 1980. The *Notice of Proposed Rule Making* was adopted at about the same time.[1] Under the interim processing rules, approximately 5,000 applications were received by April of 1981. Due to lack of computer capability necessary to process the applications, the Commission ordered a freeze on the acceptance of new applications, except for several specified exceptions. *Order Imposing Freeze*, 46 FR 2802, published May 11, 1981.

3. Upon the adoption of the *Report and Order*, 51 RR 2d 478, 47 FR 21468, published May 18, 1982 (hereinafter referred to as *"LPTV Report and Order"*) applications were grouped into categories or "Tiers" based on location. Those applicants proposing to locate

[1] 45 FR 69178, published October 17, 1980.